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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,654

05/09/2006

Jacqueline Anne Moore

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02/12/2008

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EXAMINER

HOGUE, GARY CHAPMAN

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

02/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,654	MOORE, JACQUILINE ANNE	
	Examiner	Art Unit	
	Gary C. Hoge	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-33 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/6/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8, 10-13, 15, 18, 20-24, 26-31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Landmann (5,438,781).

Landmann discloses a device for providing guidance to a person, the device comprising a plurality of tactile features; wherein the tactile features are provided in a first form **30'** to identify a passage location through which the person should proceed, and at least one second form **31** to indicate a direction to be followed subsequent to proceeding through the passage.

Regarding claim 3, see Fig. 2. The engraved room outlines have rounded outer surfaces at the corners.

Regarding claim 7, the arrow **31** is substantially wedge-shaped, and is formed by a first face of the arrow (either of the two faces that come together to form the point of the arrow) being longer than a second face (either of the short faces that are perpendicular to the tail of the arrow).

Regarding claim 8, a person discerning the arrow **31** tactilely could do so by following the first face toward its interface with the second face. In any case, this claim is directed toward a method of use, and the method of using the device is not germane to the issue of patentability of the device itself. Therefore, this limitation does not distinguish over the prior art.

Regarding claim 11, the tactile features are machined into the surface **34**, and the surface **34** is mounted to a vertical support surface by mounting holes **36**. This arrangement prevents rotational movement of the tactile features.

Regarding claims 13 and 21, the fact that the tactile features project forward from the background constitutes a means for distinguishing them from the adjacent surface.

Regarding claims 23 and 30, the background is indented into the surface, thus providing a means for distinguishing the tactile means from the adjacent surface.

Regarding claims 24 and 31, hole **36** constitutes means for distinguishing the tactile features from the adjacent surface.

Regarding claim 27, sheet **12** can be considered a backing plate.

3. Claims 16 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Leeb (5,309,863).

Leeb discloses a tactile guidance device **20** to provide guidance to a person, the device having at least one tactile feature **34** for tactile interrogation when in contact with a sensory part of the person, and the at least one tactile feature is provided in a first form to identify a doorway or passage location **10** through which the person should proceed and wherein the device is attached to a door **10** which is positioned at the passage through which the person is indicated to proceed by the first form of tactile features.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landmann (5,438,781) in view of Suen (2002/0108283).

Landmann discloses the invention substantially as claimed, as set forth above. However, Landmann does not disclose a means for illuminating the device. Suen teaches that it was known in the art to provide a photoluminescent sheet to illuminate an emergency evacuation route map. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the emergency evacuation route map disclosed by Landmann with an illumination means, as taught by Suen, in order to enable the map to be seen in the dark.

6. Claims 14, 16, 17, 25 and 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landmann (5,438,781) in view of “Chaweng Regent Beach Resort”.

Landmann discloses the invention substantially as claimed, as set forth above. However, the device is attached adjacent the door, not on it. “Chaweng Regent Beach Resort” teaches that it was known in the art to mount an emergency evacuation route map to the door of a room. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the emergency evacuation route map disclosed by Landmann to the door, as taught by “Chaweng Regent Beach Resort,” as a matter of choice in design.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landmann (5,438,781) in view of Schriever (4,385,586).

Landmann discloses the invention substantially as claimed, as set forth above. However, Landmann does not disclose a tactile marker indicating the distance to proceed. Schriever teaches that it was known in the art to provide a marker having tactile information signifying the

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distance to proceed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tactile marker disclosed by Landmann with a tactile indication signifying the distance to proceed, as taught by Schriever, in order to convey that information to the user.

Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary C. Hoge/
Primary Examiner, Art Unit 3611